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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

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TO:	FROM:
Mail Stop AF Examiner Jeffrey Gerben Hoekstra	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	JULY 2, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	14
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-7232	1023-362US01
RE:	APPLICATION SERIAL NUMBER:
Response to Final Office Action dated May 6, 2008	10/825,955

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Applicant: Kenneth T. Heruth; Confirmation No. 8230  
Keith A. Miesel  
Serial No.: 10/825,955  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Jeffrey Gerben Hoekstra  
Group Art Unit: 3736  
Docket No.: 1023-362US01  
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA  
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on July 2, 2008.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

Mail Stop AF  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing  
☒ Amendment (12 pgs.)  
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 7-2-08

By: Jason D. Kelly  
Name: Jason D. Kelly  
Reg. No.: 54,213

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RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3736**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8230
Serial No.:	10/825,955		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Jeffrey Gerben Hoekstra		
Group Art Unit:	3736		
Docket No.:	1023-362US01		
Title:	COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE		

**AMENDMENT**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed May 6, 2008, the period of response for which runs through August 6, 2008, please amend the application as follows.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 8 of this paper.